

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

FLASHPOINT TECHNOLOGY, INC.,

Plaintiff,

V.

APITEK, INC., ARGUS CAMERA CO., LLC,
BUSHNELL INC., DXG TECHNOLOGY (U.S.A.)
INC., DXG TECHNOLOGY CORP., GENERAL
ELECTRIC CO., LEICA CAMERA AG, LEICA
CAMERA INC., MINOX GMBH, MINOX USA, INC.,
MUSTEK, INC. USA, MUSTEK, INC., OREGON
SCIENTIFIC, INC., POLAROID CORP., RITZ
INTERACTIVE, INC., RITZ CAMERA CENTERS,
INC., SAKAR INTERNATIONAL, INC., D/B/A
DIGITAL CONCEPTS, TABATA U.S.A., INC., D/B/A
SEA & SEA, TARGET CORP., VISTAQUEST CORP.,
VUPOINT SOLUTIONS, INC., WALGREEN CO., and
WAL-MART STORES, INC.,

Defendants

C.A. No. 08-139-GMS

JURY TRIAL DEMANDED

PLAINTIFF'S REPLY TO AIPTEK INC.'S COUNTERCLAIMS

Plaintiff FlashPoint Technology, Inc. (“FlashPoint”) hereby responds to each paragraph of Aiptek, Inc.’s (“Aiptek”) Counterclaims as follows:

PARTIES

1. Upon information and belief, admitted.
2. Admitted.
3. Admitted.
4. Admitted that FlashPoint does not presently manufacture or sell any

consumer products but averred that it has done so. Otherwise, denied.

PATENTS-IN-SUIT

5. Admitted that FlashPoint is the legal owner of the patents-in-suit.

JURISDICTION AND VENUE

6. Admitted that this Counterclaim purports to arise under the Declaratory Judgment Act and the patent laws of the United States, but otherwise denied.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted that an actual and justiciable controversy exists between Aiptek and FlashPoint relating to the validity of one or more of the patents-in-suit and the infringement of one or more claims of the patents-in-suit, but otherwise denied.

COUNTERCLAIMS

11. FlashPoint incorporates the replies set forth in Paragraphs 1-10 above as if fully set forth herein.
12. Denied.
13. Denied.
14. Admitted that an actual and justiciable controversy exists between Aiptek and FlashPoint relating to the validity of the patents-in-suit and the infringement of one or more claims of the patents-in-suit, but otherwise denied.
15. Denied that this case against Aiptek is an exceptional case pursuant to 35 U.S.C. §285, and denied Aiptek is entitled to an award of attorneys' fees.
16. No response to Paragraph 16 is required.

PRAAYER FOR RELIEF

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment as follows against Aiptek as follows:

- A. That Aiptek takes nothing by its Counterclaims;

B. That the Court award Plaintiff costs and attorneys' fees incurred in defending against these Counterclaims; and

C. Any and all further relief for Plaintiff as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues.

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Dated: May 20, 2008

/s/ Evan O. Williford

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CERTIFICATE OF SERVICE

I, Evan O. Williford, hereby certify that on May 20, 2008, I caused to be electronically filed a true and correct copy of the foregoing document – **Plaintiff's Reply to Aiptek, Inc.'s Counterclaims** – with the Clerk of Court using CM/ECF which will send notification of such filing to the following local counsel for defendants:

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I further certify that on May 20, 2008, I caused a copy of the foregoing document to be served on the following defendants by First Class Mail:

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